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1904-05.

FILE No. LEGIS. 21 OF 1904-05.

Previous references, Judicial File No. 94 of 1902-03 and Succession Certificate Regulation File.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE DEPARTMENT.

JUDICIAL AND LEGISLATIVE (COURTS).

"A" Collection: Serial Nos. 3 (a)—20.

MARCH 1911

A Regulation to recognize the Indian Administrator General's Act of 1874 as a law in force in Mysore.

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9	From the First Assistant Resident in Mysore, No. 536, dated the 15th August 1907. States that it has been ascertained that letters of Administration obtained and certificates issued by the Administrator-General, Madras, are being acted upon in the Native States of Cochin, Pudukotta, Travancore, and Hyderabad without any further authorisation by the local Courts: that the Resident agrees with the suggestion of the Durbar to enact a regulation on the lines of the Civil and Military Station Rules; that a draft regulation providing for the recognition in the State of the probates or letters of administration granted by the Madras High Court and requiring a previous application to the Administrator-General by creditors wishing to enforce their claims in a Civil Court may be forwarded for being sent to the Government of India for sanction when recommendation will be made for payment to the Durbar of fees leviable on account of assets left by a deceased British subject in Mysore.		4—5
10	To the First Assistant Resident No. Pol. 454, dated the 7th December 1907. States that in view of the fact that the Resident accepts the payment to the Durbar of the stamp duty due to it the Durbar would waive their objection to place the Administrator-General in a position independent of the Courts of the State: forwards a revised draft of a regulation on the lines suggested by the Residency and adds that if this meets with the approval of the Resident steps will be taken to place the measure before the Legislative Council.		5—7
11	D. O. Letter No. 474, dated the 24th January 1908, from the First Assistant Resident. States that for reasons stated proviso to para 2 of the draft forwarded with the above may be omitted, and forwards a revised draft and enquires if this meets with the approval of the Durbar.		7—9
12	To the same D. O. Letter No. 1081, dated the 24th March 1908. States that in view of the explicit undertaking by the British Government that the fees payable would in all cases be credited to the Mysore State by the Administrator-General, the proviso in question will be omitted.		9—11
13	From the same No. 4692, dated the 7th September 1908. States that the Government of India accepts the above proposal and understands that the stamp duty which is transmitted to		11—13

Serial No. of File	Number and date of letters and contents.	Reference	Page in part A
	the Durbar will be accepted in reduction of the amount that would be levied by the Durbar as succession duty in each case and states that the Durbar may proceed with the legislation in the usual course.		
14	To the First Assistant Resident No. Pol. 832, dated the 30th March 1910. Forwards a Bill as passed by the Legislative Council and requests that the sanction of the Government of India may be obtained for the Bill being passed as law and they may be requested to arrange with the Madras Government for payment to the Durbar of the stamp duty due and for issue of notices, etc., to them.		13—15
15	From the same No. 3230, dated the 27th May 1910. Communicates the sanction of the Government of India to the above Bill and the arrangements made regarding the stamp duty and promises a further communication regarding notices, etc.		15
16	From the same No. 5661, dated the 20th September 1910. Forwards copy of a letter from the Registrar of the High Court of Madras to the Chief Secretary to the Government of Madras stating that orders will be issued for notice of all applications made to the High Court by the Administrator General for probates or letters of Administration in respect of property in the Mysore State to the General and Revenue Secretary to Government.		15
17	To the Compiler, *Mysore Gazette*, No. J. 1718, dated 6th December 1910. Orders the publication of the Bill as Regulation IV of 1910		15—17
18	To the First Assistant Resident in Mysore No. Pol. 573, dated the 16th December 1910. Forwards ten copies of the Regulation and requests that a copy may be sent to His Highness the Nizam's Government.		17
19	From the same No. 7821, dated the 21st December 1910. Acknowledges the receipt of the above and informs that a copy was forwarded to the the Nizam's Government.		17
20	Confidential Circular Order No. J. 2550-9—Legis. 21-04-05, dated the 6th March 1911, to the Deputy Commissioners of Districts; the Comptroller to Government and the Registrar of the Chief Court. Communicates the arrangement made by the Government of India regarding the payment to the State of fees an probates or letters of Administration granted to the Administrator-General of Madras in respect of estates of deceased British subjects in Mysore and requests the Deputy Commissioners to send up reports to Government of cases of undervaluation or failure of issue of notice to Government and the Comptoller to arrange for the amount thus paid being credited under proper head of account.		17—18

1904-05.

GENERAL AND REVENUE SECRETARIAT.

(LEGISLATION.)

NOTES.

FILE No. 21 OF 1904-05.

A Regulation to recognize the Indian Administrator-General's Act of 1874 as a law in force in Mysore.

Letter No. 2671, dated the 2nd June 1904, from the First Assistant Resident in Mysore.

Communicates the opinion of the Government of India on the question raised in this office letter No. 1306—J. 94-02-03, dated the 23rd December 1903, to the effect that a law such as the Administrator-General's Act, 1874 (II of 1874) is not effective in the Mysore State unless it is supplemented by local legislation and requesting that necessary action may be taken to pass a further Regulation fully recognizing the British Indian law on the subject, the Mysore Government having already recognized the status of the Administrator-General as legal in the Mysore Succession Certificate Regulation, VII of 1901.

1. It was under the advice of the Resident that the addition to S. 4 (b) referring to Act II of 1874 was made, which has now been employed as an argument for the introduction wholesale of the provisions of the Administrator-General's Act as a law of the Mysore State. When the addition was suggested to us in 1900, it was based on the limited ground that its omission "would have the effect of rendering a certificate granted under the provisions of Sections 36 and 37 of the Administrator-General's Act inoperative in respect to assets left by a British subject of Her Majesty in Mysore Territory."

2. It is perhaps too late now to re-open the question, after the ruling of the Government of India now communicated to us. I may however note that the loss to the Mysore State of the stamp duty on letters of administration does not seem to have been considered by the Government of India at all.

3. A draft Regulation to give effect and recognition to the Administrator-General's Act, 1874, in Mysore is submitted for approval, together with draft of a reply to the First Assistant Resident.

K. S. CHANDRASEKHARA AIYAR.
16-6-04.

4. I have studied the question with Mr. Chandrasekhara Iyer. Our position is, I think, unassailable. But we are asked to legislate and I believe we are bound to comply, loss of stamp revenue to us notwithstanding. The draft is simple enough and I agree to it in case it is decided that no further representation should be made.

C. SRINIVASIENGAR,
1st Councillor.
28-6-04.

5. Submitted to the Dewan Sahib. There are 2 drafts for approval.

B. K. VENKATAVARADA IYENGAR.
28-6-04.

A Regulation to recognize the Administrator-General's Act, 1874, as a law having operation in the Mysore State.

Preamble.

Whereas it is expedient to recognize the Administrator-General's Act, 1874, as a law having operation in the Mysore State; His Highness the Maharaja is pleased to enact as follows:—

Act II of 1874 to have force and effect as an enactment of the Maharaja.

1. From and after the passing of this Regulation, the Administrator-General's Act, II of 1874, of the Governor-General of India in Council, shall have force and effect in Mysore as if it were an enactment passed by His Highness the Maharaja of Mysore so far as British subjects are concerned.

P. N. KRISHNA MURTI,
Dewan of Mysore.
16-6-04.

6. We have got so far as to obtain a ruling of the Government of India that "a law such as the Administrator-General's Act, 1874, is not effective in the Mysore State unless it is supplemented by local legislation." In this respect I believe all the Native States which are included in the Madras Presidency (Section 3.) "Presidency of Madras (b) and 'd)" are all alike. It follows therefore that if the Administrator-General's Act is not effective in Mysore without local legislation, it is not so in Cochin, Pudukote, Travancore and Hyderabad (see appendix) without a like legislation, enquiries may be made and information sought as to what legislation they have in this matter. If the 1st Councillor will kindly consider this aspect and agrees in the reasonableness of my view, I shall be obliged if a draft is ordered to be submitted to the Residency asking that such information may be obtained and kindly supplied—or if it is free from objection to do so I would ask the Administrator-General through the Resident to favour us with this information.

P. N. KRISHNA MURTI,
Dewan.
9-1-05.

7. I think there is considerable force in the Dewan's observation. I am afraid that an attempt is being made to differentiate Mysore from the rest of the Native States in Madras on the ground that in our Regulation VII of 1901 we have already to some extent recognized the Indian Act II of 1874 and having done so we are bound to go further and "pass a further Regulation fully recognizing the British Indian law on the subject." There is thus apparently nothing in common between Mysore and the other Native States unless the latter have also to some extent recognized the Administrator-General in their Succession Certificate Law. The Deputy Secretary's notes of 4th March 1903 and 16th June 1904 show the circumstances under which the provision in question in our Regulation was adopted at the Resident's suggestion. Before agreeing to that being made the ground for a wholesale introduction of the British Indian Act in Mysore, the enquiry suggested by the Dewan may be made through the Resident.

Let me see the draft please before submission to the Dewan.

C. SRINIVASIENGAR.
30-1-05.

8. Draft submitted.
T. K. S.
31-1-05
S. N.
31-1-05

B. K. VENKATAVARADA IYENGAR.
31-1-05.

9. Draft slightly revised and approved.

C. SRINIVASIENGAR.
1-2-05.

10. Issue the draft.

B. K. VENKATAVARADA IYENGAR.
1-2-05.

4. *To the Administrator-General, Madras, No. J. 2205, dated 4th February 1905.*

Requests information as to the law in force in other Native States included under the Madras Presidency, regarding the recognition of the Administrator General's Act, II of 74, and as to whether the Act has been introduced and is in force in those States in its entirety.

5. *From the same No. Pol. 261, dated 14th February 1905.*

States that all that he knows is that the Native States of Hyderabad, Travancore and Cochin have fully recognized his status as Administrator-General and have given full effect to the several provisions of the Act so far as British subjects are concerned, just as the Mysore Government were doing till recently. Suggests reference to the Native States themselves for more particular information.

Submitted for orders.

S. S.
22-2-05
S. N.
22-2-05.

11. We have not obtained the specific information we sought. We cannot correspond with other Native States direct. I can however write privately to the Under-Secretary, Dewan's Office, Travancore, Mr. R. Mahadeva Iyer, for the information if desired. If not, a direct reference to the Residency may be made.

K. S. CHANDRASEKHARA AIYAR,
23-2-05.

12. We may ask for the information through the Residency.

B. K. VENKATAVARADA IYENGAR.
23-2-05.

13. Draft submitted as ordered.

K. S. CHANDRASEKHARA AIYAR.
25-2-05.

14 Draft submitted to the Dewan Sahib through the 1st Councillor.

B. K. VENKATAVARADA IYENGAR.
25-2-05.

15. I agree.

C. SRINIVASIENGAR.
26-2-05.

6. *To the First Assistant to the Hon'ble the Resident, No. Pol. 748 dated the 3rd March 1905.*

Enquires as to the law in force in the other Native States as Travancore, Cochin, Pudukotta and Hyderabad to give effect to the Administrator-General's Act, II of 1874.

7. *From the same officer No. 5855, dated the 11th October 1905.*

States that from enquires made the Government of Madras and the Hyderabad Residency report that no regulation recognizing the provisions of the Administrator-General's Act, II of 1874, has been passed by the Native States of Hyderabad, Travancore, Cochin and Pudukotta.

Submitted for orders.

T. K. S.
14-10-05.

16. The Information was called for by the Dewan.

K. S. CHANDRASEKHARA AIYAR.
17-10-05.

17. Submitted to the Dewan Sahib through the 1st Councillor.

B. K. VENKATAVARADA IYENGAR.
18-10-05.

18. It is conceded that in the absence of local legislation the Administrator-General's Act cannot be effective in Mysore in spite of the inclusion of the latter in Section 3. Under the advice of the Resident, we have given effect to Sections 36 and 37 by a local enactment. Except to this limited extent, the Act is inoperative in Mysore. Other Native States have not legislated on the subject, and yet we are

asked to do so on the ground that we have already partially recognized the Act. Notwithstanding the absence of local legislation, the Administrator-General's status does not seem to have been questioned by any of the other States in the Madras Presidency (*vide* his letter, dated 14th February 1905).

C. SRINIVASIENGAR.
19-10-05.

19. Place before Council.

P. N. KRISHNAMURTI.
29-11-05.

20. Extract from letter, dated the 14th May 1906, from Mr. R. Viraraghava Iyengar, Under-Secretary to the Government of Travancore :—

"I shall now give you the information I have on the two subjects mentioned by you.

In the matter of debts due to the estates of Europeans dying in Travancore, the position of the Administrator-General of Madras is this. By Section 1 of the Administrator-General's Act (II of 1874) the Act is made applicable to the dominions of Princes and States in India in alliance with His Majesty and the Act has been expressly extended to Travancore by a Notification of the Governor-General in Council, No. 101—J, dated 19th July 1878.

When information of the death of a European reaches the Administrator-General, he writes to the Resident here (who has got the powers of a District Judge) to take steps for securing the property of the deceased and to send him a report as required by Section 64 of Act II of 1874. The Resident addresses the Durbar and in the case of the estates involving considerable property lying in several places he asks the Durbar to nominate an officer or officers to take charge of the properties under Section 239, Act X of 1865, and issues formal orders of appointment to these officers.

Where the assets are in the shape of outstanding monies due to the estate, the Administrator-General has to sue like any other ordinary suitor in the Courts of the State. He sends a copy of the letters of administration which he has obtained to his attorney here and instructs him to sue.

There is no certificate of succession required here. There is no Succession Certificate Act in Travancore.

Neither do the Travancore Courts grant letters of administration or probate of wills, as there are no laws on the subject nor is any duty leviable here in the nature of probate or administration duty.

R. VIRARAGHAVA IYENGAR.

Extract from the Proceedings of the 146th Meeting of the Council of His Highness the Maharaja, held at Bangalore, on the 1st August 1906.

21. "*I. Subject (Clause (ii) of the Schedule).*—Draft of a Regulation to recognize the Administrator-General's Act, 1874, as a law having operation in Mysore.

Opinion of the Dewan and Councillors.

As the measure proposed involves a material change in the judisdiction of the Courts of the State, the Chief Court may be requested to favour Government with their opinion in the matter.

V. P. MADHAVA RAO,
Dewan of Mysore."

22. Forwarded unofficially to the Registrar of the Chief Court of Mysore for favour of his placing the question dealt with in this file before the Judges, and communicating their opinion to Government.

K. S. CHANDRASEKHARA AIYAR,
Secy. to Govt., Gen. & Rev. Depts.
2-8-06.

23. The file is returned with copies of the opinions of the Judges.

V. A. RAJARATNA MUDALIAR,
Registrar, Chief Court.
22-9-06.

Opinions *re* proposed introduction of Act II of 1874 as law in Mysore.

Mr. Justice A. E. Staley, Chief Judge.—

1. I think it may be pointed out what will be the very limited effect of making Act II of 1874 law in Mysore as proposed.

2. It is to extend to Mysore under Section 1 only "so far as regards British subjects of His Majesty." That means properly, that it has no effect as regards other than such subjects, and cannot be enforced by or against such other subjects in Mysore. Consequently the Administrator-General will under Section 15 have no right to letters of administration in regard to property in Mysore in perference to a non-British subject in Mysore who is a creditor legatee universal or not or friend of the deceased. The Administrator-General will have no authority to collect and take possession of assets and effects of a deceased British subject in the hands of a Mysorean subject in Mysore. Under Sections 17 to 22, probate or letters of administration granted to the Administrator-General will not bind the deceased's debtors, or persons holding deceased's property in Mysore under Section 23 A, when such debtors or persons are non-British subjects in Mysore. Acts done and payments made by the Administrator-General will not under Section 25 be valid as against any non-British subject in Mysore. A non-British subject in Mysore will not be able to make a transfer under Section 31 The Administrator-General will not be able to sue a non-British subject in Mysore under Section 34, nor will such subject be able to sue the Administrator-General under Section 35 in Mysore. No part of proceedings in Mysore under Sections 36 to 41 between such non-British subject and the Administrator-General will be valid. Rules and orders of the British Government under Sections 57 to 60 will not be binding on the former, so far as assets in Mysore are concerned. Assets in possession of such subject in Mysore cannot be forfeited under the provisions of Section 62. Such subject cannot enforce a claim in respect of assets in Mysore under Section 63. A District Judge who is such non-British subject in Mysore will have no jurisdiction under Section 64. No auditor under Part IV will have any jurisdiction to proceed against a non-British subject in Mysore, nor can such subject be punished for contempt, committed in Mysore. Practically the proposed extension would have no effect except in a case which must in the nature of things be extremely rare where the deceased, all claimants to and possessors of the deceased's property are British subjects.

3. As it is not contemplated to extend the jurisdiction of the British Government, High Court of Madras, Administrator-General and auditors over non-British subjects in Mysore I do not feel called upon to consider what would be legally the consequences of such extension.

4. If it is, in spite of its necessarily limited application, contemplated to extend the Act to Mysore as it stands, I would suggest that, that limited action be made express and distinct. I would delete the words "so far as British subjects are concerned" at the end of the draft Regulation, and the draft Regulation should run thus. "1. From and after the passing of this Regulation the provisions of the Administrator-General's Act II of 1874, of the Governor-General of India in Council are extended to British subjects in Mysore with force and effect in Mysore as if they were an enactment passed by His Highness the Maharaja of Mysore."

5. If the draft as amended becomes law in Mysore, the Administrator-General will be able to represent a deceased British subject, and in that capacity sue out a debt or obtain payment for the estate under Regulation VII of 1901, and obtain administration of the estate, sue out decrees, and the like, under the ordinary procedure of our Law Courts, as against non-British subjects in Mysore, and he will also be liable as such representative. I do not see any reason for allowing him any rights or means of enforcing those rights beyond those sufficient or allowed by the ordinary law of the country.

A. E. STALEY,
Chief Judge.

Mr. Justice H. V. Nanjundayya.—

I entirely agree with the views of the learned Chief Judge. The British Act itself (S. 1) can apply in Mysore only, as regards British subjects of Her Majesty.

So I venture to think that the words in the proposed draft "so far as British subjects are concerned" seem to be merely stating this limitation, and cannot have any effect on the interpretation that the enactment will receive.

There seems to be no reason whatever why the Administrator-General should be placed in a position independent of the jurisdiction of the local Courts, or be exempted from payments to the local Government on account of stamp or other fees. Under Sections 62 and 63, all assets lying unclaimed for 15 years are to be transferred to the Government of India. But such unclaimed property especially immovable property in Mysore should justly go to the Government of Mysore. This matter should, it seems to me, be properly and expressly provided for.

The draft may perhaps be somewhat to the following effect :—

"Whereas it is necessary to recognize the status of the Administrator-General of Madras as created by Act II of 1874 of the Governor-General of India in Council; His Highness the Maharaja is pleased to enact as follows :—

(1) The Administrator-General of Madras for the time being, shall have the same rights, privileges and duties in respect of the property of British subjects situated in Mysore, as are given to or conferred and imposed on him by or under any of the provisions of the said Act.

Provided that the said Administrator-General shall exercise his functions, manage or dispose of property coming into his possession, or collect debts due to any estate placed in his charge in accordance with the law in force in Mysore as regards the procedure of Courts, disposal of immovable property, and the right to collect debts, and pay such fees and stamps and render such accounts as may be due according to the said law and provided also;

That in Sections 62 and 63, the references to the Government of India or the Government of Madras or the Comptroller or Accountant-General shall be read as if made to the Government of His Highness the Maharaja.

(2) The powers conferred and duties imposed upon a District Judge by Section 64 of the Act shall be exercised and performed by the District Judge in Mysore within whose jurisdiction the assets are lying, and in case of property within the original jurisdiction (if any) of the Chief Court, by (the Deputy Commissioner) (or Registrar of the Chief Court) or (by such authority as the Government may appoint on this behalf)."

H. V. NANJUNDAYYA,

Judge.

6-8-06.

Mr. Justice P. S. Krishna Rao, Rao Bahadur.—The Administrator-General's Act, II of 1874, of the Governor General of India in Council is, in virtue of Section 1, already in force in the State of Mysore as a personal law, so far as regards British subjects. But it was not applied to the said State as a territorial law and it was therefore contended by the Mysore Government that its provisions could not be held binding on persons who were not British subjects, and that as against such persons the Administrator-General who had obtained probate or letters of administration to the estates of deceased British subjects in Mysore from the Madras High Court, under the provisions of the aforesaid act, could only be deemed to be a foreign administrator and that as such administrator his right to represent the estates of the said deceased British subjects could only be recognized after he had taken out auxiliary administration in the Courts of State according to the territorial laws in force therein. This contention was admitted by the Government of India to be correct; but seeing that we had partially recognized the provisions of Act II of 1874 by enacting in Section 4 of the Succession Certificate Regulation, that certificates granted by the Administrator-General to other persons under Sections 36 and 37 of that Act were as legal and valid as certificates of succession granted by the Mysore Courts, the Government of India considered it advisable that we should by a fresh piece of legislation give full effect to the provisions of the British Indian Act by recognizing the title of the Administrator-General of Madras as legal and valid as against all persons holding property of a deceased British subject whether they were British subjects or not.

2. The draft Regulation proposed by Government appears in my humble opinion not to give effect to this intention of the Government of India. The words "so far as British subjects are concerned" at the end of Section 1, will produce an effect the very reverse of what was intended, while without those words, the draft Regulation will render the whole of Act II of 1874 applicable to the territories of Mysore, most of the provisions of which are not only unnecessary, but will also give rise to several difficulties in their practical application

3. The same question arose in the Civil and Military Station when I was District Judge of that station, and it was resolved by the Government of that station that a short notification containing a few sections of the Administrator-General's Act was all that was necessary to give effect to the intention of the Government of India, and a draft of such a notification was thereupon submitted to the Government of India and approved of by them. A copy of the notification which is now law in the said station is enclosed for information.

4. Our legislation also, I am of opinion, may proceed on the same lines, one more section being added to the effect that probate or letters of administration granted to the Administrator-General by the Madras High Court under Act II of 1874, shall be deemed to be "probate or letters of administration" within the meaning of Section 4 (*b*) (i) of our Succession Certificate Regulation.

5. I would therefore propose that the draft Regulation be in the following form:—

"Whereas the provisions of the Administrator-General's Act, 1874 (II of 1874), 'of the Governor-General of India in Council apply as a personal law only to 'British subjects in the territories administered by His Highness the Maharaja 'of Mysore, and whereas it is deemed expedient that better provision should be 'made for the recognition in the said territories of the representative title of the 'Administrator-General of Madras against all debtors of, and all persons holding pro-'perty belonging to, deceased British subjects in the aforesaid territories; His 'Highness the Maharaja is pleased to enact as follows:-

1. From and after the passing of this Regulation, probate or letters of 'administration granted by the High Court of Judicature at Madras to the Administrator-General of the said presidency, shall have effect over all the property and estate, movable or immovable, of a deceased British subject in the territories administered by His Highness the Maharaja of Mysore, and shall be conclusive as to the representative title of the said Administrator-General against all debtors of the deceased, and all persons holding property therein which belongs to him, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such property to the said Administrator-General.

"2. So far as regards the Administrator-General of the Presidency of Madras, as defined in the Administrator-General's Act, 1874 (II of 1874), the High Court of Judicature at Madras shall be deemed to be a court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act, 1865 (X of 1865), as applied to the territories of Mysore by Foreign Deparment Notification, No. 203, dated the 23rd July 1868

"3. Probate or letters of administration granted by the High Court of Judicature at Madras to the Administrator-General of the said presidency shall be deemed to be probate or letters of administration within the meaning of Section 4 Sub-Section (1), Clause (*b*), Paragraph (1), of the Succession Certificate Regulation, 1901 (VII of 1901).

"4. The Administrator-General of Madras shall be deemed by all the Courts in the Mysore State to have a right to letters of administration in preference to that of any person merely on the ground of his being a creditor, a legatee other than an universal legatee, or a friend of the deceased.

"5. All suits and other proceedings commenced by or against the Administrator-General of Madras in his representative character in respect of property belonging to a deceased British Subject in the Mysore State may be brought by or against him by his name of office in the Courts of the said State.

"And no suit or other proceeding heretofore or hereafter commenced by or against any person as Administrator-General of Madras, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of the said Administrator-General; but the same may, by order of the

" Court, and upon such terms as to the service of notices or otherwise as the Court " may direct, be continued by or against his successor immediately upon his appoint- " ment, in the same manner as if no such death, resignation or removal had occur- " red:

" Provided that nothing hereinbefore contained shall render any such successor " personally liable for any costs incurred prior to the order for continuing the suit " against him.

" 6. If any suit be brought in the Courts of the Mysore State by a creditor " against the Administrator-General of Madras in his representative character, the " plaintiff shall be liable to pay the costs of the suit down to and including the " decree, unless upon proof by affidavit or otherwise that not less than one month " previous to the institution of the suit he had applied in writing to the said Ad- " ministrator-General, stating the amount and other particulars of the claim, and " supporting the same by such evidence as, under the circumstances of the case, " the Administrator-General was reasonably entitled to require, and that the Ad- " ministrator-General had refused or neglected to register the claim according to " the practice of his office.

" If in any such suit judgment is pronounced in favor of the plaintiff, he " shall, nevertheless, be only entitled to payment out of the assets of the deceased " equally and rateably with the other creditors."

P. S. KRISHNA RAO.

12-8-06.

Foreign Department.

Notification dated the 15th September 1905.

No. 3764-I. A.—Whereas the provisions of the Administrator-General's Act, 1874 (II of 1874), apply as a personal law only to British subjects in the Civil and Military Station of Bangalore and whereas it is deemed expedient that better provision should be made for the recognition in the said station of the representative title of the Administrator-General of Madras, against all debtors of, and all persons holding property belonging to, deceased British subjects in the aforesaid station.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) order in Council, 1902, the Governor-General is pleased to make the following rules, and to direct that they shall have effect in the Civil and Military Station of Bangalore.

1. So far as regards the Administrator-General of the Presidency of Madras, as defined in the Administrator-General's Act, 1874 (II of 1874), the High Court of Judicature at Madras shall be deemed to be a court of Competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act, 1865 (X of 1865), as applied to the Civil and Military Station of Bangalore by Foreign Department Notification No. 2252-I, dated the 7th August 1883.

2. The Administrator-General of Madras shall be deemed by all the Courts in the Civil and Military Station of Bangalore to have a right to letters of administration in preference to that of any person merely on the ground of his being a creditor, a legatee other than an universal legatee, or a friend of the deceased.

3. Probate or letters of administration granted by the High Court of Judicature at Madras to the Administrator-General of the said presidency, shall have effect over all the property and estate, movable or immovable, of a deceased British subject in the Civil and Military Station of Bangalore, and shall be conclusive as to the representative title against all debtors of the deceased, and all persons holding property therein which belongs to him, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such property to the said Administrator-General.

4. All suits and other proceedings commenced by or against the Administrator-General of Madras in his representative character in respect of property belonging to a deceased British subject in the Civil and Military Station of Bangalore, may be brought by or against him by his name of office in the Courts of the said station, and no suit or other proceeding heretofore or hereafter commenced by or against any person as the Administrator-General of Madras either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of the said Administrator-General, but the same may by order of the said

Courts, and upon such terms as to the service of notices or otherwise as the Courts may direct, be continued by or against his successor immediately upon his appointment, in the same manner as if no such death, resignation or removal had occurred

Provided that nothing hereinbefore contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the suit against him.

5. If any suit be brought in the Courts of the Civil and Military Station of Bangalore by a creditor against the Administrator-General of Madras in his representative character, the plaintiff shall be liable to pay the cost of the suit down to and including the decree, unless upon proof by affidavit or otherwise that not less than one month previous to the institution of the suit he had applied in writing to the said Administrator-General stating the amount and other particulars of the claim, and supporting the same by such evidence as, under the circumstances of the case, the Administrator-General was reasonably entitled to require, and that the Administrator-General had refused or neglected to register the claim according to the practice of his office.

If in any such suit judgment is pronounced in favour of the plaintiff, he shall, nevertheless, be only entitled to payment out of the assets of the deceased equally and rateably with the other creditors.

S. M. FRASER.
Offg. Secretary to the Govt. of India.

24. Submitted with the opinions of the Judges of the Chief Court

C.R. D.
3-10-06.

K. MATTHAN.
7-10-06.

S. N
7-10-06.

25. This is a very important and difficult subject, which I have not been able to take up earlier. As the notes in the file have already become voluminous, I have prepared a draft of a letter to the First Assistant Resident, making one more attempt to explain the inexpediency of the proposal to introduce the Administrator-General's Act *en bloc* into Mysore by means of local legislation. If legislation is at all required, it seems to me that a short Regulation on the lines indicated in para 6 of the draft letter will be quite sufficient.

K. S. CHANDRASEKHARA AIYAR.
26-11-06.

26. The proposed draft may be approved.

T. ANANDA ROW.
First Councillor.
18-12-06.

27. May be approved. I concur in the views expressed in the draft.

K. P. PUTTANNA CHETTY.
13-12-06.

Submitted to His Highness.

28. I submit for approval, the draft of a letter to the Residency in reply to their letter No. 2671, dated 2nd June 1904, communicating the wishes of the Government of India that the Durbar should pass a furthur Regulation fully recognizing the British Indian Act, II of 1874, in Mysore.

29. The question has been fully considered and the draft explains the case fully. The draft has also been approved by the Councillors.

V. P. MADHAVA RAO.
26-1-07.

Order.

30. Approved.

K. R. W.
31-1-07

Dewan's order

31. Please issue.

C. S. BALASUNDARAM IYER.
2-2-07.

To The First Assistant Resident, Pol. No. 673, dated 6th February 1907.

States that the Durbar never contemplated that their acceptance to introduce into the Succession Certificate Regulation of the suggestion of the Resident, for a limited purpose a provision rendering certificates granted under Sections 36 and 37 of the Administrator Generals' Act, valid in Mysore, would be used as an argument for the extension of the Act as a whole into Mysore; the effect of this will be to give an officer of another Government a power which none of the Durbar officers (apart from the duly constituted Courts of the State) is competent to exercise; that no regulation has been passed by any other States in the Madras Presidency and the case of Durbar should not be differentiated from that of the other States; that the Durbar see no reason why the Administrator General should be placed in a position independent of the State Courts or be exempted from payment of stamp duty; that his representative character may well be attained without any general extention of the Act II of 1874 and by introduction of a short Regulation on the lines of the rules promulgated for the Civil and Military Station by Government of India in Notification No. 3764—I. A., dated 15th September 1905 and that the Durbar see no reason for allowing the Administrator General any rights or means of enforcing those rights beyond those sufficient or allowed by the ordinary law of the State.

From The First Assistant Resident No. 536, dated 15th August 1907.

States that it has been ascertained that letters of Administration obtained and certificates issued by the Administrator General, Madras, are being acted upon in the Native States of Cochin, Pudukotta, Travancore, and Hyderabad without any further authorization by the local Courts; that the Resident agees with the Durbar in considering that the object can be attained by enacting a regulation on the lines of the rules adopted for the Civil and Military Station but that the draft regulation now forwarded is inadequate in that it does not provide for the recognition in the Mysore State of Probates or letters of Administration granted to the Administrator-General by the Madras High Court and for making a previous written application to that officer by a creditor wishing to enforce his claim in a Civil Court and a draft regulation enbodying these provisions may be forwarded for transmission to the Government of India when recommendations will be made for payment to the Durbar of the succession duties leviable on the assets left by a deceased British subject in Mysore.

32. Submitted. A draft Regulation on the lines indicated by Justice Mr. Krishna Rao, is what the Residency seems to require.

T. K. S.
17-8-07.

S. N.
3-9-07.

33. The draft Regulation put up is almost the same as that in force in the Civil and Military Station, Bangalore, and suggested by Mr. Justice Krishna Rao, as being fit to be adopted.

34. The suggestions contained in para 3 of the Residency letter, dated the 15th August 1907, have been embodied in the sections added to the two sections contained in the letter to which the above is a reply.

35. Other Native States such as Travancore, Hyderabad, etc., are said to recognise probate or letters granted to the Administrator-General without further authorization by the local Courts. Now that the succession duty is promised to be secured to us, our State also may, I think, agree to do the same.

36. Section 19 H of the Court Fees Act in force in British India directs that notice of application be given to the Collector or the Chief Controlling Revenue Authority. When the estate of the deceased includes property within this State, it seems necessary in the interest of our revenue that our Government or our Deputy commissioners should receive such notice and should be empowered to adopt the procedure therein laid down. The section as it stands does not seem to provide for this. The point may perhaps be considered.

37. A draft to the Residency is also put up.

K. MYLAR RAO,
4-9-07.

38 Submitted with a revised draft.

C. S. BALASUNDARAM IYER.
4-11-07.

39 The draft may be approved.

T. ANANDA ROW.
5-11-07

40. May be approved.

K. P. PUTTANNA CHETTY.
11-11-07

Submitted to His Highness.

41. The question of the recognition in the Mysore State of the representative character of the Administrator-General of Madras has for some time past been under consideration. In January 1907, His Highness the Maharaja approved of a draft letter to the Residency explaining the inexpediency of the proposal to introduce the Administrator-General's Act, 1874, into Mysore and stating that if local legislation was at all required, it would be sufficient to enact a short Regulation on the lines indicated in para 6 of the letter

42. In his letter, dated the 15th August 1907, the First Assistant to the Hon'ble the Resident conveys the approval of the officiating Resident to the proposal of the Durbar to frame a Regulation on the lines indicated, and suggests that the Regulation should provide "for the recognition in the Mysore State of Probate or letters of Administration granted to the Administrator-General by the Madras High Court, and for making a previous written application to that officer by a creditor wishing to enforce his claim in Civil Courts." He also states that the Hon'ble the Resident is prepared to recommend to the Government of India the payment to the Durbar of the succession duties leviable under the Mysore laws on assets coming within the scope of the proposed Regulation

43. The draft Regulation has accordingly been revised and is submitted herewith. The draft Regulation and the draft of the letter forwarding it to the Residency may be approved.

V. P. MADHAVA RAO
25-11-07.

Order.

44. Approved.

K. R. W.
28-11-07.

45 Issue.

C. S. BALASUNDARAM IYER
30-11-07

10. To the First Assistant Resident, No. Pol. 454, dated 7th December 1907.

In reply to his letter No. 5362, dated the 15th August 1907, states that in view of the fact that the Officiating Resident accepts the contention of the Durbar as regards the payment of succession duty to the Durbar, the Durbar are prepared to waive their objection to place the Administrator-General in a position independent of the Courts of the State; and accepts the modified proposals now made in the First Assistant Resident's letter. Forwards a revised draft Regulation on the above lines and states that if this meets with the approval of the Government of India, steps would be taken to place the measure before the Legislative Council.

11. D. O. No. 474, dated the 24th January 1908, from the First Assistant Resident.

States that for reasons stated in proviso to para 2 of the draft Regulation forwarded with the above, which lays down that no probates of letters of administration obtained by the Administrator-General shall be valid in Mysore unless the Court Fee liable thereon under the Mysore Court Fees Regulation has been paid, may be omitted and forwards a revised draft Regulation amplifying the preamble in terms of the Civil and Military Station Notification in the matter and enquires if the revised draft meets with the approval of the Durbar.

46. Submitted. It is stated that the proviso will stand in the way of the Administrator-General getting early and peaceable delivery of property or payment of debts by persons, who may be willing to do so and that the object in view can be attained by an explicit undertaking by the British Government that the fees payable would in all cases be credited to the Mysore State by the Administrator-General. If so, the Administrator-General may perhaps be requested to furnish the Durbar at the end of every year a statement showing the number of cases in which probates or letters of Administration were taken out by him in the year; of the estate of deceased to subject in Mysore, the value thereof, the amount recovered in the year, the Court fees due to the State, etc. The draft regulation now sent is just the same as the one that has been framed by Mr. Justice Krishna Rao; the verbal corrections made are noted in the draft Regulation last forwarded to the Residency in their proper places.

T. K. S.
28-1-08.
S. N.
29-1-08.

47. The amendments proposed by the Residency in the draft Regulation are:—

(i) The amplification of the preamble.
(ii) The omission of the proviso to Section 2.
(iii) Certain other verbal alterations as noted in pencil in the draft Regulation forwarded to the Residency.

48. The amplification of the preamble seems suitable and unobjectionable.

49. The omission of the proviso to Section 2 is an important matter. The Residency considers that the effect of this proviso will be to give a handle to parties to delay compliance with the just demands of the Administrator-General and to throw difficulties in the way of early settlement of claims. The evidence required to prove payment of the Court fee is merely the acknowledgment obtained from the Government of Mysore in respect of it and it seems rather hard to realize that the proviso regarding the payment of the fee will produce the effect that is attributed to it. The Residency states that the Administrator-General may be required to furnish periodical returns and that it is easy to arrange for the adjustment of the Court fees due to the Durbar by executive instructions.

50. The other verbal alterations are of an unimportant nature and may be accepted

K. MYLAR RAO.
4-2-08.

51. It is not clear that the existence of the proviso to Section 2 will seriously inconvenience the Administrator-General in his proceedings as stated by the Residency and a written receipt for the payment of the duty would be ample evidence of such payment.

52. But it is not desirable to prolong the controversy with the Residency on a point of detail and we may accept the explicit assurance that the duties will be paid to Government by adjustment in the Exchange accounts. A draft to Residency is put.

C. S. BALASUNDARAM IYER.
10-3-08.

53. Draft may be approved.

T. ANANDA ROW.
18-3-08.

54. May be approved.

K. P. PUTTANNA CHETTY.
20-3-08.

Submitted to His Highness.

55. I submit for information, a D. O. letter received from the Residency making certain observations on the draft Regulation to recognize the representative character of the Administrator-General of Madras in Mysore, together with the draft of the reply proposed to be sent.

56. The chief alteration proposed by the Residency is the omission of the proviso to Section 2 of the draft Regulation which lays down that no probate or

letters of Administration obtained by the Administrator-General shall be valid in Mysore, unless the Court fee leviable thereon in Mysore has been duly paid. The object of this provision is proposed to be attained by an explicit undertaking by the British Government that the fees payable would, in all cases, be credited to the Mysore State by the Administrator-General.

57 The draft reply may be approved

V. P. MADHAVA RAO
21-3-08

Order.

58. Approved.

K. R. W.
23-3-08.

12. To The First Assistant to the Hon'ble the Resident in Mysore, D. O. No. 1081 dated the 24th March 1908.

States that the proviso to Section 2 of the draft Regulation will be omitted as suggested by the Residency, in view of the explicit undertaking by the British Government that the fees payable would in all cases be credited to the Mysore State by the Administrator-General.

13. From The First Assistant to the Hon'ble the Resident in Mysore, No. 4692, dated 7th September 1908.

States that the Government of India accept the above proposal as regards the fees payable under Schedule I, Article II, appended to the Court Fees Act, VII of 1870, in the case of property belonging to deceased British subjects situated in the Mysore State and understands that the stamp duty which is transmitted to the Durbar under these arrangements will be accepted in reduction of the amount levied by the Durbar as succession duty in each particular case and that the Durbar may proceed with legislation in the usual course.

S. N.
12-9-08.

59. The Government of India have agreed to credit the Court Fees to the Durbar, in case of British subjects leaving property in Mysore. The Regulation may now be taken up. Instructions are solicited regarding the member of the Legislative Council who is to introduce the draft Bill.

S. P. RAJAGOPALACHAR.
15-9-08

60. Submitted to Dewan through 1st Councillor for information as to who should introduce the Bill in the Council.

C. S. BALASUNDARAM IYER.
15-9-08.

61. The Secretary Mr. Chandrasekhara Aiyar may be asked to kindly take this up.

ANANDA ROW.
19-9-08.

Permission may be given.

V. P. MADHAVA ROW.
29-9-08.

62. Permission was given to introduce the Bill at the meeting held on the 16th December 1908. The Bill was introduced and read at the meeting held on the 2nd September 1909 when it was referred to a Select Committee. The Select Committee's report having been presented to the Council at the meeting held on the 13th January 1910, the Bill and the report was considered by the Council and it has been resolved to take up and pass the Bill at a subsequent meeting of the Council. The Bill is one which requires the previous sanction of the Government of India for its being enacted as law and the Residency itself has suggested a reference being made to this effect.

63. A draft to the Residency is accordingly submitted for approval. Perhaps a copy of the Bill as amended by the Committee may be forwarded to the Residency. If not either the Bill will have to be reprinted or a typed copy should be sent

Submitted for orders.

S. N.
29-1-10.

64. This is a measure which has been undertaken at the instance of the Residency and they have distinctly stipulated that the sanction of the Government of India should be obtained before it is passed into law. Please see para 2 of the paper under disposal.

65. Draft may be approved.

S. HIRIYANNAIYA.
1-2-10.

66. Please see whether under the Administrator-General's Act or succession Act, etc., any notice is required to be given to Government of applications for grant of letters, etc., concerning any estate. If so perhaps we should mention that point also in the letter and arrange that such notices may be given to this Government.

H. V. NANJUNDAYYA.
2nd Councillor
7-2-10.

67. The Acts do not seem to require the Administrator-General to give notices to Government as soon as letters of Administration are obtained. But Section 44 of the Administrator-General's Act requires them to file a schedule half-yearly in the several High Courts which grant them such letters of the amount received or paid by them and the balance at their hands during the period on account of each estate in their charge together with a list of bonds or securities received on account of such estates and an account of final balances paid. These schedules are filed as of record in such High Courts and are published within 14 days afterwards in the official gazette of the Presidency. The section also requires copies of these in triplicate to be forwarded to the Government concerned by the Administrator-General to be in turn sent to the Secretary of State for India. So that information as regards estates in Mysore in respect of which Administration letters are granted to the Madras Advocate-General would be available to the Madras Government. We have therefore to request the Residency to arrange with the Madras Government for a copy of such schedule being forwarded for the information of this Government also whenever it affects property situated in this State or generally, if deemed required. This would enable the Government to know what fee would be forth coming to it on account of several estates.

Submitted for further orders.

T. K. S.
8-2-10.

S. N.
8-2-10.

68. The Administrator-General's Act does not require any notice to be given to the Government. But Section 250 of the Indian Succession Act lays down that citations be issued to all persons claiming to have any interest in the deceased's property to come and see the proceedings before the grant of probate or letters of Administration.

69. Again Section 19 of the British Indian Court Fees Act (corresponding to Section 24 of our Regulation of 1900) requires that notice of such proceedings shall always be given to the Collector of the District where the property is situate if the proceedings are instituted in a Court other than the High Court and to the chief controlling revenue authority for *the local area in which the High Court is situated*, if the proceedings are instituted in a High Court.

70. The words underlined show clearly that the Madras High Court are not bound to send notices to any Government other than the Madras Government.

71. I do not know if Section 250 of the Succession Act referred to above can be so constructed as to throw on the High Court or the Administrator-General the burden of issuing a notice to this Government as "a person interested in the property of the deceased."

72. The best course under the circumstances appears to be to move the Residency to request the Government of Madras to arrange (through the High Court if necessary) to issue to this Government notices of all applications made by the Administrator-General in respect of property situate within the limits of the Mysore State. I have added a para to the draft accordingly. The reference to Section 19 in the new para sufficiently explains the purpose we have in view in asking for the new arrangement.

S. HIRIYANNAIYA.
9-2-10.

73. The draft letter may be issued.

H. V. NANJUNDAYYA.
12-2-10.

Submitted to His Highness.

74. In continuation of correspondence ending with the late Dewan's note dated 21st March 1908 and His Highness' order thereon, dated the 23rd idem, on the subject of the legislation proposed for the recognition of the representative character of the Administrator-General of Madras in the Mysore State, I submit for information Residency letter, dated 7th September 1908, stating that the measure may be proceeded with. I also submit draft of a reply thereto requesting the sanction of the Government of India for the Bill being passed into law.

2. The draft, which explains the case, may be approved.

T. ANANDA ROW.
18-3-10.

Order.

75. K. R. W.

76. Issue.

C. S. BALASUNDARAM IYER.
26-3-10.

14. No. Pol. 832, dated 30th March 1910, to the First Assistant Resident.

Forwards a copy of the Bill as passed by the select committee and requests that the sanction of the Government of India may be obtained and they may be requests to get some arrangements made with the Government of Madras *re* the refund to the Mysore Government of the stamp duty due to them and the issue of notices, etc

15. No. 3230, dated 27th May 1910, from the First Assistant Resident.

Communicates the sanction of the Government of India and the arrangements made about the stamp duty and promises further communication on the question of notices.

77. Under Section 50 of the Legislative Council Regulation, para 2, the Bill has to be placed before the said Council for being passed by that body, it having now been approved by the Government of India.

T. K. S
31-5-10.

S. N.
31-5-10.

78. It does not appear to be necessary to await the further communication regarding notices. It is a matter on which we may expect the Government of Madras to agree with us.

79. If approved the Bill will be placed before the next meeting of the Legislative Council for being finally passed.

S. HIRIYANNAYYA.
31-5-10.

H. V. NANJUNDAYYA.
31-5-10.

Submitted to His Highness.

80. I submit for information Residency letter, dated 27th May 1910, stating that the draft Regulation on the subject of the recognition in Mysore of the representative character of the Administrator-General of Madras has been approved by the Government of India, and that the Government of India have issued instructions regarding the payment to the Durbar of the stamp fees paid in Madras in respect of property situate within the Mysore State.

(2) Before placing the Bill again before the Legislative Council for being finally passed, the promised communication may be awaited from the Madras Government about giving notice to the Mysore Government regarding applications filed by the Administrator-General before the Madras High Court in respect of such properties.

T. ANANDA ROW.
3-6-10.

81. Order.

K. R. W.
6-6-10.

82. NOTE.—The Bill cannot be placed before the Legislative Council till the promissed communication from the Government of Madras is read.

S. HIRIYANNAIYA.
8-6-10.

16. No. 5661, dated 20th September 1910, from the F. A. Resident in Mysore.

Forwards a copy of letter No. 1670—1910, dated the 2nd September 1910, from the Registrar of the High Court of Madras addressed to the Chief Secretary to the Government of Madras stating that orders will be issued for notice of all applications made to the High Court by the Administrator-General for probate or letters of Administration in respect of property situate in the Mysore State to be sent to this office.

83. Submitted. The Bill may now be taken up at the next Legislative Council meeting for being finally passed.

S. V. S.
21-9-10
S. N.
22-9-10.

84. Submitted to Dewan through 2nd Councillor for information.

S. HIRIYANNAIYA.
23-9-10.
H. V. NANJUNDAYYA.
25-9-10.

85. Submitted. The Bill was finally passed by the Legislative Council at the meeting of the Council held on the 22nd instant. Sanction of His Highness the Maharaja for the Bill being promulgated as law has now to be obtained. Submitted with a copy of the Bill as finally passed with a copy for the Dewan's signature as required by Rule 52 of the Council Rules.

T. K. S.
25-11-10.
S. N.
24-11-10.

S. HIRIYANNAIYA.
25-11-10.

86. The Bill to recognize the representative character of the Administrator-General of Madras was finally passed by the Legislative Council at the meeting of the Council held on the 23rd instant.

(2) The draft Bill was approved by the Government of India.

(3) His Highness' sanction is now required and may be accorded for the Bill being promulgated as law.

T. ANANDA ROW.
28-11-1910.

Order.

87. Sanctioned.

K. R. W.
1-12-1910.

88. Put up notification, etc.

S. HIRIYANNAIYA.
5-12-1910.

89. Submitted with a draft order for approval and Register of Regulations for Assistant Secretary's initials being put in the proper columns

T. K. S.
5-12-10.
S. N.
5-12-10.

90 Issue

S. HIRIYANNAIYA
6-12-10.

17. No. J. 1718. dated 6th December 1910, to the Compiler, Mysore Gazette

Orders the publication of the above Bill, in Part III of the *Mysore Gazette* as Regulation IV of 1910.

91. Submitted. Spare copies of the Regulation have been received. They have been verified and found correct. Ten copies have to be sent to the Residency as usual. A draft letter is herewith put up.

S. V. S. (58
13-12-10.
S. N. (11)
14-12-10.

92. Issue after scrutinising the copies again carefully.

S. HIRIYANNAIYA,
15-12-10.

18. To the First Assistant Resident in Mysore No. Pol. 573, dated 16th December 1910

Forwards ten copies of the Regulation with the request for a copy being sent to His Highness the Nizam's Government.

19. From the same No. 7820, dated 27th December 1910.

Acknowledges the receipt of the copies and intimates that a copy has been forwarded to His Highness the Nizam's Government.

93. Submitted. It is not known if the arrangement need be brought to the notice of the Deputy Commissioners of Districts or the Comptroller, with a view to the former bringing to the notice of Government cases where British subjects may die leaving property in the State, to assure that notices are being received by the Durbar in all cases. The High Court of Madras has assured that notices will be sent in all cases where probates or letters of Administration are granted to the Administrator-General in regard to such properties. This may be perhaps considered sufficient. Submitted for orders.

T. K. S. (25
3-1-11.
S. N. (11)
3-1-11.

94. The Comptroller and the Deputy Commissioners of Districts may perhaps be informed of the arrangement entered into in respect of the refund of stamp fees and the issue of the notice to the Durbar in cases where administration is asked of properties situate in Mysore Territory ; otherwise we shall have no means of knowing whether the arrangement is adhere to.

S. HIRIYANNAIYA.
5-1-11.

95. The information may be given as proposed by means of a confidential order.

H. V. NANJUNDAYYA,
2nd Councillor.
6-1-11.

96. Draft of a confidential order is submitted for approval.

T. K. S.

97. Please alter the draft circular as personally instructed.

S. HIRIYANNAIYA.
17-1-11.

98 Submitted with a draft circular order as directed.

S. N.
22-2-11.

99. May be approved.

S. HIRIYANNAIYA.
22-2-11.

100. Draft applied by 2nd Councillor on the 23rd February 1911.

101. Issue.

S. HIRIYANNAIYA.
1-3-11.

20. Confidential Circular Order No. J. 2550-9—Legis. 21 of 1904-05, dated 6th March 1911, to the Deputy Commissioners of Districts, the Comptroller to Government and the Registrar of the Chief Court of Mysore.

Communicates the arrangements made by the Government of India in respect of the refund to this State of fees, on probates or letters of Administration granted to the Administrator-General of Madras in respect of estates of deceased British subject in Mysore and requests the Deputy Commissioners to send up reports to Government of cases of undervaluation of estates or failure of issue of notice to Government and the Comptroller to arrange for the refund amounts being credited to the accounts.

Proceedings of the Government of His Highness the Maharaja of Mysore,

A Regulation to recognize the Indian Administrator-General's Act of 1874 as law in force in Mysore.

FILE No. 21 OF 1904-05.

Letter No. 2671, dated the 2nd June 1904, from R. C. H. Moss King, Esq., I.C.S., First Assistant to the Resident in Mysore, to the Dewan of Mysore.

Serial No. 3(a).

I am directed to invite a reference to the correspondence ending with Mr. Anantasami Rao's letter No. 1306—J. 94 of 1902-03, dated the 23rd December 1903, regarding the status of the Administrator-General of Madras in Mysore.

2. I am to state that the Government of India to whom the question raised in the above correspondence was referred for a ruling, are of opinion that a law such as the Administrator-General's Act, 1874 (II of 1874) is not effective in the Mysore State unless it is supplemented by local legislation, but that, as pointed out in my letter to you, No. 5204, dated the 27th October 1903, the Durbar are bound by Section 4 of the Mysore Succession Certificate Regulation No. VII of 1901, which recognises Act II of 1874 and enables the Courts of Mysore to proceed upon letters of Administration obtained by the Administrator-General in British India or certificates granted by the Administrator-General under Section 36 or Section 37 of the Act.

3. The Government of India are further of opinion that the provisions of the section do not go far enough to make Act II of 1874 effective in Mysore, and that the Mysore Durbar should be moved to pass a further Regulation fully recognising the British Indian law on the subject, as the Mysore Government have in the Regulation above referred to, already recognised the status of the Administrator-General as legal.

4. I am therefore to request that the necessary action may be taken by the Durbar and that the Resident may be informed of the same.

Letter No. J. 2205—Legis. 21-4, dated the 4th February 1905, from the Secretary to Government, General and Revenue Departments, to Dewan Bahadur N. Subrahmanyam, Esq., Barrister-at-law, Administrator-General of Madras, through the First Assistant Resident in Mysore.

Serial No. 4.

In continuation of this office letter No. J. 1569—Leg. 21-2, dated the 16th December 1904, regarding the introduction into this State of a Regulation recognising the Administrator-General's Act, II of 1874, I am directed to request the favour of your furnishing the Government of His Highness the Maharaja of Mysore with information as to what the law on the subject is in the other Native States included under the term "Madras Presidency" as defined by the Notification issued under Section 3 of the said Act, and as to whether the Act has been introduced into and is in force in them in its entirety.

Letter No. P. 261, dated Madras, 14th February 1905, from Dewan Bahadur N. Subrahmanyam, Administrator-General of Madras, to the Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Departments, Bangalore, through the First Assistant Resident in Mysore.

Serial No. 5.

I have the honor to acknowledge receipt of your letter No. J. 2205—Leg. 21-4, dated 3rd instant, and to state that I have no information as to the law in the other Native States referred to in the said letter. All that I know is that the Governments of His Highness the Nizam and their Highnesses the Maharaja of Travancore and Cochin have always been fully recognising my status as Administrator-General and giving full effect to the several provisions of the Administrator-General's Act, II of 1874, so far as British subjects

are concerned, in the same way that the Government of His Highness the Maharaja of Mysore have been doing till very recently. Possibly the Governments of the respective Native States referred to may on their being addressed be in a position to give more particular information in the matter.

Letter Pol. No. 749, dated the 3rd March 1905, from the Secretary to Government, General and Revenue Departments, to the First Assistant to the Hon'ble the Resident in Mysore, Bangalore.

Serial No. 6.

With reference to the correspondence ending with your letter No. 2671, dated the 2nd June 1904, communicating the decision of the Government of India that a law such as the Administrator-General's Act (II of 1874) is not effective in the Mysore State unless it is supplemented by local legislation and that the Durbar should pass a Regulation fully recognizing the provisions of that Act, I am directed to request that information may kindly be obtained as to what local laws there are on the subject in the other Native States (such as Travancore, Cochin, Pudukotta and Hyderabad) included under the definition of "Madras Presidency." This information will be useful to know on what lines the Durbars concerned have supplemented the provisions of Act, II of 1874, as the local law required for Mysore is analogous to what obtains in those States.

Letter No. 5855, dated the 11th October 1905, from B. C. H. Moss King, Esq., I.C.S., First Assistant to the Resident in Mysore, to the Dewan of Mysore.

Serial No. 7.

I am directed to acknowledge the receipt of Mr. Venkatavaradaiengar's letter Pol. No. 749, dated the 3rd March 1905, requesting to be informed what local laws there are in the Native States of Hyderabad, Travancore, Cochin, and Pudukottai recognizing the provisions of the Administrator-General's Act, II of 1874.

2. In reply, I am to state that from enquiries made from the Government of Madras and the Hyderabad Residency, it appears that no local regulations on the subject have been passed in any of the Native States referred to above.

Letter No. Pol. 673, dated 6th February 1907, from the Secretary to Government, General and Revenue Departments, to the First Assistant to the Hon'ble the Resident in Mysore.

Serial No. 8.

I am directed to invite a reference to Mr. Moss King's letter No. 2671, dated the 2nd June 1904, in regard to the action to be taken by the Mysore Government for the recognition of the Administrator-General's Act, II of 1874, as law in Mysore; and to request that, before action is finally taken, the Durbar may be permitted to make the following further representation for favor of submission to the Government of India for their consideration.

2. The Durbar observe that it is conceded by the Government of India that "a law such as the Administrator-General's Act, 1874, is not effective in the Mysore State unless it is supplemented by local legislation," but that they nevertheless ask for the introduction of that Act into Mysore on the strength of a reference to certain sections of it contained in Section 4 [1] of the Mysore Succession Certificate Regulation, VII of 1901. Now the correspondence connected with the passing of the last mentioned Regulation shows that the Durbar had originally no idea of according any particular recognition to the Administrator-General or to the law by which his powers and duties are defined in British India, and had indeed proposed to omit the reference to certificates under Sections 36 and 37 of Act II of 1874, contained in Section 4 of the Indian Succession Certificate Act VII of 1899, along with other references to "enactments or proceedings not applicable to

Mysore." But the retention of the particular reference in question was suggested by the then Resident on the ground that "the Administrator-General's Act applies to British subjects of Her Majesty in the Mysore State," and that the omission of the clause in question "would have the effect of rendering a certificate granted under the provisions of Sections 36 and 37 of the Administrator-General's Act inoperative in Mysore." The Durbar are free to confess that, even as regards the limited purpose for which the retention of the clause was expressly recomended, the expediency of an addition as proposed should have been more carefully considered by them as its immediate effect was to give to a foreign administrator, who was the officer of another Government, a power which no one of the Durbar's officers (apart from the duly constituted Courts of the State) was competent to exercise, and also to lead to practical difficulties if the power should be largely exercised. But undoubtedly the Durbar never contemplated that their acceptance of the suggestion under the circumstances alluded to would be employed subsequently as an argument for a further and very material extension of the operation of the Administrator-General's Act, as a law of the Mysore State.

[1] *Vide* letter No. 6102—539—1900 dated 20th November 1900, from Mr Dobbs to the then Officiating Dewan

3. The Durbar would respectfully urge that the case of Mysore should not be differentiated from that of the rest of the Native States included under the definition of "the Presidency of Madras," on the mere ground that in the Mysore Succession Certificate Regulation VII of 1901, they have to a certain extent and for a particular purpose recognized the Indian Act II of 1874, nor that it should be argued that, because the Durbar have done this, they are bound to go further and "pass a further Regulation fully recognizing the British Indian Law on the subject." They submit that in this respect all the Native States in the Madras Presidency should be treated alike. Accordingly, if the Administrator-General's Act is not effective in Mysore without local legislation, it is likewise not effective in Cochin, Puducotta, Travancore and Hyderabad without like legislation. But, as a matter of fact, as intimated in para 2 of your office letter No. 5855, dated the 11th October 1905, no local Regulations have been passed on the subject in any of these Native States. In Travancore, where there is no Succession Certificate Act in force, and hence no certificate of succession is required, it is understood that, in cases where the assets left by a deceased British subject or the shape of outstanding monies due to the estate, the Administrator-General has to proceed by suit like any other ordinary suitor in the Courts of the State, the practice being for him to send a copy of the letter of administration which he may have obtained to his Attorney in Travancore and instruct the latter to sue. This procedure, it will be seen, on the one hand preserves unaffected the territorial jurisdiction of the Courts of the State, and on the other, fully safeguards the State against loss of stamp revenue, a point which the Durbar venture to think requires to be given its due weight in any decision that may be arrived at. The Durbar can see no good reason why the Administrator-General of Madras should be placed in a position independent of the Courts of the State or be exempted from payments to the Local Government on account of stamp or other fees.

5. It is possible, however, that the intention of the Government of India in asking the Durbar to recognize Act II of 1874, as operative in Mysore is merely to ensure that the representative character of the Administrator-General shall be recognized so as to enable him to do acts in such character, on behalf of British subjects leaving assets in Mysore, which he could not otherwise do under the law of Mysore. If so, I am to point out that object can be attained without any such general extension of the Act to Mysore as that recommended. Most of the provisions of the Act are not only unnecessary for this purpose, but will, if applied, give rise to several difficulties in their practical application. For instance, Section 45 provides for the appointment of auditors by "the Government," and Section 57 empowers "the Government" to frame rules for the guidance of the Administrator-General on various matters affecting the discharge of his duties. It is a question

A Regulation to recognize the Indian Administrator-General's Act of 1874 as law in force in Mysore.

whether, if the Act is to be extended to Mysore by local legislation, the powers of "the Government" referred to should not be exercised by the Mysore Government. Again, Section 62 provides for assets lying unclaimed for 15 years being transferred to the credit of the Government of India; but such unclaimed property, especially immovable property in Mysore should, the Durbar consider, justly go to the Mysore Government. To give one more instance: the functions of a District Judge under Section 64 are now exercised by the Hon'ble the Resident in Mysore; but if the Act is applied to Mysore, these functions will apparently devolve on District Judges under the Durbar.

6. For the purpose then of giving effect to the object alluded to in the preceding para it seems to the Durbar sufficient to enact a short Regulation on the following lines, which, it will be seen are nearly indentical with those of paras 2 and 4 of the Rules promulgated by the Government of India in the Foreign Department for the Civil and Military Station of Bangalore, in their Notification No. 3764 I.A., dated the 15th September 1905.

Preamble.

"Whereas it is deemed expedient to make provision for recognizing the representative character of the Administrator-General of Madras in suits and proceedings relating to the property of, or debts belonging to, deceased British subjects in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Administrator-General competent to represent deceased British subjects, and to have preferential right to letters of Administration.

1. "The Administrator-General of Madras shall be competent to represent a deceased British subject leaving assets in Mysore, and shall be deemed by all the Courts in Mysore to have a right to letters of Administration to such British subject in preference to that of any other person merely on the ground of his being a creditor, a legatee other than an universal legatee, or a friend of the deceased.

Administrator-General may sue and be sued in his representative character as such.

2. "All suits and other proceedings commenced by or against the Administrator-General of Madras in his representative character in respect of property belonging to a deceased British subject in Mysore may be brought by or against him by his name of office in the Courts of Mysore, and no suit or other proceeding heretofore or hereafter commenced by or against any person as the Administrator-General of Madras, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of the said Administrator-General but the same by order of the said Courts, and upon such terms as to the service of notices or otherwise as the Courts may direct, be continued by or against his successor immediately upon his appointment, in the same manner as if no such death, resignation or removal had occurred.

Provided that nothing hereinbefore contained shall render any such successor personally liable for any cost incurred prior to the order for continuing the suit against him."

7. If a law as above were passed, the Administrator-General would be able to represent a deceased British subject, and in that capacity to sue out a debt or obtain payment for the estate under Regulation VII of 1901, and obtain administration of the estate, sue out decrees, and the like, under the ordinary provisions of the Mysore law, as against non-British subjects in Mysore; and he would also be liable as such representative. The Durbar see no reason for allowing the Administrator-General any rights or means of enforcing those rights beyond those sufficient or allowed by the ordinary law of the country.

Letter No. 5362, dated the 15th August 1907, from F. P. Rennie, Esq., I. C. S., First Assistant to the Resident in Mysore, to the Dewan of Mysore.

I am directed to acknowledge the receipt of Mr. Chandrasekhara Aiyar's letter No. Pol. 673, dated 6th February 1907, regarding the **Serial No. 9**

action necessary for the recognition of the Administrator-General's Act in the Mysore State.

2. The Durbar represent that in this respect all the Native States included in the definition of the "Presidency of Madras" for the purpose of Act II of 1874, should be treated alike and that there is no good reason why the Administrator-General should be placed in a position independent of the Courts of the State or be exempted from payment of succession duties leviable in respect of assets, situated in Mysore territory. His Highness' Government, however, are prepared to undertake legislation, on the basis of the rules promulgated for the Civil and Military Station of Bangalore in Foreign Department Notification No. 3764—41. A., dated 15th September 1905, for recognising the representative character of the Administrator-General in the Mysore State.

3. In reply, I am to say that from enquiries made it has been ascertained that letters of Administration obtained and certificates issued by the Administrator-General, Madras, are being acted upon in the Native States of Cochin, Pudukotta, Travancore and Hyderabad without any further authorisation by the local Courts. In Mysore also a similar practice has long prevailed and, as it is now perceived that this practice is not quite covered by the territorial laws of the State, an amplification of these laws appears to be necessary to give it legal sanction. The Officiating Resident agrees with the Durbar in considering that this object can be attained by the enactment of a short Regulation on the lines of the rules in Foreign Department Notification of the 15th September 1905, cited above. The draft Regulation proposed in paragraph 6 of the letter under reply, however, seems to be inadequate in that it does not provide, as has been done in the rules of the Civil and Military Station, for the recognition in the Mysore State of Probate or letters of Administration granted to the Administrator-General by the Madras High Court and for making a previous written application to that Officer by a creditor, wishing to enforce his claims in Civil Courts, and Mr. Williams will be glad if the Durbar will consider further the question of embodying these provisions in the proposed legislation.

4. In this connection, I am to add that the Officiating Resident is disposed to admit the force of the Durbar's contention that the State where the assets of a deceased person are for the time being, is legitimately entitled to the succession duties leviable thereon and that there is no sufficient reason why a different procedure should be followed in the case of assets left by deceased British subjects in Mysore territory. He is therefore prepared to recommend to the Government of India the payment to the Durbar of the succession duties leviable on such assets under the Mysore Regulations even though letters of Administration had previously been obtained in respect of them from the Madras High Court, if the Durbar will agree to the amendment of the draft Regulation on the lines indicated in paragraph 3 above, and forward for submission to the Government of India, a draft of the revised Regulation.

5. As this question has been pending for a long time, Mr. Williams will be glad to be favored with a reply at your early convenience.

Letter Pol. No. 454, dated 7th December 1907, from the Secretary to Government, General and Revenue Departments, to the First Assistant to the Honorable the Resident in Mysore.

Serial No. 10

I am directed to acknowledge the receipt of your letter No. 5362, dated the 15th August 1907, regarding the recognition in the Mysore State of the representative character of the Administrator-General of Madras. In your letter you convey the acceptance by the Hon'ble the Resident of the proposal of the Durbar to frame a Regulation on the lines of the rules in Foreign Department Notification of the 15th September 1905, and suggest that the Regulation should provide for the recognition in the Mysore State of Probate or letters of Administration granted to the Administrator-General by the Madras High Court and for a previous written application to that officer by a creditor wishing to enforce his

claims in Civil Courts. You also state that the Hon'ble the Officiating Resident is prepared to recommend to the Government of India the payment to the Durbar of the succession duties leviable under the Mysore Regulation on assets coming within the scope of the Regulation and desire the Durbar to forward a revised draft Regulation as suggested.

On a careful consideration of the question and in view of the fact that the Hon'ble the Officiating Resident accepts the contention of the Durbar as regards the payment of the succession duty to the Durbar, the Durbar are prepared to waive their objection to place the Administrator-General in a position independent of the Courts of the State; and accept the modified proposals now made in your letter.

A revised draft Regulation on the above lines is forwarded herewith. It will be seen that Sections 2, 3 and 4 provide for the recognition in the Mysore State of Probate and letters of Administration granted to the Administrator-General by the Madras High Court and that Section 6 requires creditors to make a written application to the Administrator-General previous to enforcing their claims in Civil Courts.

I beg also to invite attention to the proviso to Section 2 which provides for the levy by the Durbar of the succession duty on estates in Mysore in respect of which the Administrator-General takes out Probate or letters of Administration.

If the revised draft meets with the approval of the Government of India steps will be taken to place the measure before the Legislative Council.

ENCLOSURE TO THE ABOVE.

Draft of a Regulation to recognize the representative character of the Administrator-General of Madras.

"Whereas it is expedient to make provision for recognizing the representative character of the Administrator-General of Madras in suits and proceedings relating to the property of, or debts belonging to, deceased British subjects in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

1. The Administrator-General of Madras as defined in the Administrator-General's Act II of 1874, shall be competent to represent a deceased British subject leaving assets in Mysore and shall be deemed by all the Courts in Mysore to have a right to letters of Administration to such British subject in preference to that of any other person merely on the ground of his being a creditor, a legatee other than a universal legatee or a friend of the deceased.

Administrator-General competent to represent deceased British subjects and to have preferential right to letters of Administration.

2. Probate or letters of Administration granted by the High Court of Judicature at Madras to the Administrator-General of Madras shall have effect over all the property and estate, movable or immovable, of a deceased British subject in Mysore, and shall be conclusive as to the representative title of the said Administrator-General against all debtors of the deceased, and all persons holding property therein which belongs to him, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such property to the said Administrator-General.

Effect of probate or letters of Administration granted to the Administrator-General by the High Court of Judicature, Madras.

Provided that there shall have been paid to the Government of Mysore on such probate or letters of Administration the Court fee which would have been leviable under the Mysore Court Fees Regulation, 1900, had the probate or letters of Administration been granted by a Court in Mysore.

3. So far as regards the Administrator-General of Madras, the High Court of Judicature at Madras shall be deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Sucession Act, X of 1865, as applied to the territories of Mysore by Foreign Department Notification No. 203, dated the 23rd July 1868.

High Court of Judicature at Madras deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act.

A Regulation to recognize the Indian Administrator-General's Act of 1874 as law in force in Mysore.

Probate or letters of Administration granted by the High Court of Judicature at Madras deemed to be probate or letters within the meaning of the Succession Certificate Regulation.

4. Probate or letters of Administration granted by the High Court of Judicature at Madras to the Administrator-General of Madras shall be deemed to be probate or letters of administration within the meaning of Section 4, Sub-Section (b) clause (i) of the Succession Certificate Regulation, VII of 190

Administrator-General may sue and be sued in his representative character as such.

5. All suits and other proceedings commenced by or against the Administrator-General of Madras in his representative character in respect of property belonging to a deceased British subject in Mysore may be brought by or against him by his name of office in the Courts of Mysore, and no suit or other proceeding heretofore or hereafter commenced by or against any person as the Administrator-General of Madras, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of the said Administrator-General, but the same may, by order of the said Courts, and upon such terms as to the service of notices or otherwise as the Courts may direct, be continued by or against his successor immediately upon his appointment in the same manner as if no such death, resignation or removal had occurred.

Proviso.

Provided that nothing hereinbefore contained shall render any such successor personally liable for any cost incurred prior to the order for continuing the suit against him.

Creditor's suit against Administrator-General

6. If any suit be brought in the Courts of the Mysore State by a creditor against the Administrator-General of Madras in his representative character, the plaintiff shall be liable to pay the costs of the suit down to and including the decree, unless upon proof by affidavit or otherwise that not less than one month previous to the institution of the suit he had applied in writing to the said Administrator-General, stating the amount and other particulars of the claim, and supporting the same by such evidence as, under the circumstances of the case, the Administrator-General was reasonably entitled to require and that the Administrator-General had refused or neglected to register the claim according to the practice of his office.

If in any such suit judgment is pronounced in favour of the plaintiff, he shall, nevertheless, be only entitled to payment out of the assets of the deceased equally and rateably with other creditors."

D. O. No. 474, dated the 24th January 1908, from Mr. P. L. Moore, First Assistant Resident in Mysore, to Mr. V. P. Madhava Rao, B.A., C.I.E., Dewan.

Will you kindly refer to Mr. Balasundaram Iyer's letter **Serial No. 11.** No. 454, dated 7th December 1907, forwarding a revised draft regulation framed with a view to accord recognition to the representative character of the Administrator-General of Madras in the Mysore State.

2. The draft Regulation proceeds on the lines of the rules in Foreign Department Notification of the 15th September 1905, and seems suitable except the proviso to Section 2 which lays down that no probate or letters of Administration obtained by the Administrator-General shall be valid in Mysore unless the Court fee leviable thereon under the Mysore Court Fee Regulation has been paid. The effect of this proviso will be to require the Administrator-General to prove the factum of payment of the fee (succession duties) in each case before taking action on Probate or letters of Administration and to give a handle to parties to delay compliance with the just demands of the Administrator-General to the prejudice of the estate. There may be several persons concerned in an estate, and they may be willing to give peaceable delivery of property or pay their debts to the Administrator-General, but the legal provision as to the payment of Court fee will stand, the Resident fears, in the way of early settlement. The net result will not improbably be that the Administrator-General will be unable in the generality of cases to get possession or recover debts except through the Courts of law in Mysore. This is

undesirable, and Mr. Fraser considers that the object of the provision can equally well be attained by an explicit undertaking by the British Government that the fees payable would in all cases be credited to the Mysore State by the Administrator-General. It will be easy to arrange for the adjustment of such fees through the Durbar's exchange accounts with the Accountant-Genral, Madras, the Administrator-General furnishing a periodical return of such payments to the Durbar, if need be. These are matters of detail and can be regulated later on by executive instructions.

3. For these reasons, I am to suggest for the consideration of the Durbar the advisability of exercising the proviso from the proposed enactment. I am in this connection to enclose a revised draft Regulation in which the preamble has been amplified as in the Civil and Military Station Notification and a few other verbal alterations have been made and to enquire whether this revised draft meets with the approval of the Durbar.

Draft of a Regulation to recognize the representative character of the Administrator-General of Madras.

Preamble.

"Whereas the provisions of the Administrator-General's Act, 1874 (II of 1874) of the Governor-General of India in Council apply as a personal law only to British subjects in the territories of Mysore and whereas it is expedient to make better provision for the recognition in the said territories of the representative title of the Administrator-General of Madras against all debtors of, and all persons holding property belonging to, deceased British subjects in the said territories; His Highness the Maharaja is pleased to enact as follows:—

Administrator-General competent to represent deceased British subjects and to have preferential right to letters of Administration.

1. The Administrator-General of the Presidency of Madras as defined in the Administrator-General's Act, 1874 (II of 1874) shall be competent to represent a deceased British subject leaving assets in the territories of Mysore and shall be deemed by all the Courts in the said territories to have a right to letters of Administration to such British subject in preference to that of any other person merely on the ground of his being a creditor, a legatee other than a universal legatee or a friend of the deceased.

Effect of probate or letters of Administration granted to the Administrator-General by the High Court of Judicature, Madras.

2. Probate or letters of Administration granted by the High Court of Judicature at Madras to the Administrator-General of Madras shall have effect over all the property and estate, moveable or immoveable of a deceased British subject in the territories of Mysore and shall be conclusive as to the representative title of the said Administrator-General against all debtors of the deceased and all persons holding property therein which belongs to him, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such property to the said Administrator-General.

High Court of Judicature at Madras deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act.

NOTE.—Page 54 of British Enactments in force in Native State.

3. So for as regards the Administrator-General of Madras, the High Court of Judicature at Madras shall be deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act, 1865 (X of 1865) as applied to the territories of Mysore by Foreign Department Notification No. 203, dated the 23rd July 1868.

Probate or letters of Administration granted by the High Court of Judicature at Madras deemed to be Probate or letters within the meaning of the Succession Certificate Regulation.

Page 705 of the Mysore Code, Vol. I.

4. Probate or letters of Administration granted by the High Court of Judicature at Madras to the Administrator-General of Madras shall be deemed to be probate or letters of Administration within the meaning of Section 4, Sub-Section (b) clause (i) of the Succession Certificate Regulation, VII of 1901.

A Regulation to recognize the Indian Administrator-General's Act of 1874 as law in force in Mysore.

Administrator-General may sue and be sued in his representative character as such.

5. All suits and other proceedings commenced by or against the Administrator-General of Madras in his representative character in respect of property belonging to a deceased British subject in the territories of Mysore may be brought by or against him by his name of office in the Courts of the said territories, and no suit or other proceeding heretofore or hereafter commenced by or against any person as the Administrator-General of Madras, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of the said Administrator-General, but the same may, by order of the said Courts and, upon such terms as to the service of notices or otherwise as the Courts may direct, be continued by or against his successor immediately upon his appointment in the same manner as if no such death, resignation or removal had occurred

Proviso.

Provided that nothing hereinbefore contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the suit against him.

Creditor's suit against Administrator-General.

6. 'If any suit be brought in the Courts of the territories of Mysore by a creditor or against the Administrator-General of Madras in his representative character, the plaintiff shall be liable to pay the costs of the suit down to and including the decree unless upon proof by affidavit or otherwise that not less than one month previous to the institution of the suit he had applied in writing to the said Administrator-General, stating the amount and other particulars of the claim, and supporting the same by such evidence as, under the circumstances of the case, the Administrator-General was reasonably entitled to require, and that the Administrator-General had refused or neglected to register the claim according to the practice of his office.

If in any such suit judgment is pronounced in favour of the Plaintiff, he shall nevertheless, be only entitled to payment out of the assets of the deceased equally and rateably with other creditors.'

D. O. No. 1081, *dated Bangalore, 24th March* 1908, *from Mr. V. P. Madhava Rao, Dewan, to Mr. F. P. Renni, First Assistant Resident in Mysore.*

Serial No. 12

Please refer to Mr. Moore's D. O. letter No. 474, dated the 24th January 1908 about the draft regulation *re* the Administrator-General.

In para 2 of the letter, certain observations are made regarding the proviso to Section 2 of the draft Regulation; it is feared that the existence of the proviso will prevent the Administrator-General from taking action on probates, etc., by requiring proof of payment of duty to the Durbar; and it is suggested that the proviso may be omitted and that the object of the provision may equally well be attained by an explicit undertaking by the British Government that the fees payable would in all cases be credited to the Mysore State by the Administrator-General, the adjustment being made through the Durbar's exchange accounts with the Accountant-General, Madras, and the Administrator-General furnishing the necessary periodical returns of such payments to the Durbar.

With regard to these observations, I may say that the proof of payment required by the proviso can be clearly afforded by a written receipt furnished by the proper Durbar Officer to the Administrator-General, and that parties from whom the Administrator-General has to recover debts are in most cases as unlikely to question and demand proof of the payment of duty to the State as to question the representative character and the authority of the Administrator-General to collect the debts. In view, however, of the explicit undertaking proposed to be given to the Durbar as to the credit to the State of the fees due, the Durbar do not desire to press the retention of the proviso in the Regulation and agree to its omission. The Durbar have also no objection to adopt the other verbal amendments suggested in the lette

If the suggestion that an explicit undertaking should be given to the Durbar as to the credit to the State of the fees due meets with the approval of the Government of India, I shall have the revised draft received with the letter under reply placed before the Legislative Council.

A Regulation to recognize the Indian Administrator General's Act of 1874 as law in force in Mysore.

ENCLOSURE TO THE ABOVE.

Draft of Regulation to recognize the representative character of the Administrator-General of Madras.

"Whereas the provisions of the Administrator-General's Act, 1874 (II of 1874) of the Governor-General of India in Council apply as a personal law only to British subjects in the territories of Mysore and whereas it is expedient to make better provision for the recognition in the said territories of the representative title of the Administrator-General of Madras against all debtors of, and all persons holding property belonging to, deceased British subjects in the said territories; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

1. The Administrator-General of the Presidency of Madras as defined in the Administrator-General's Act, 1874 (II of 1874) shall be competent to represent a deceased British subject leaving assests in the territories of Mysore and shall be deemed by all the Courts in the said territories to have a right to letters of Administration to such British subject in preference to that of any other person merely on the ground of his being a creditor, a legatee other than a universal legatee or a friend of the deceased.

Administrator-General competent to represent deceased British subjects and to have preferential right to letters of Administration.

2. Probate or letters of Administration granted by the High Court of Judicature at Madras to the Administrator-General of Madras shall have effect over all the property and estate, moveable or immoveable, of a deceased British subject in the territories of Mysore and shall be conclusive as to the representative title of the said Administrator-General against all debtors of the deceased and all persons holding property therein which belongs to him, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such property to the said Administrator-General.

Effect of probate or letters of administration granted to the Administrator-General by the High Court of Judicature, Madras.

3. So far as regards the Administrator-General of Madras, the High Court of Judicature at Madras shall be deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act, 1865 (X of 1865) as applied to the territories of Mysore by Foreign Department Notification No. 203, dated 23rd July 1868.

High Court of Judicature at Madras deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act.

4. Probate or letters of Administration granted by the High Court of Judicature at Madras to the Administrator-General of Madras shall be deemed to be probate or letters of Administration within the meaning of Section 4, Sub-Section (b), clause (i) of the Succession Certificate Regulation, VII of 1901.

Probate or letters of Administration granted by the High Court of Judicature at Madras deemed to be probate or letters within the meaning of the Succession Certificate Regulation.

5. All suits and other proceedings commenced by or against the Administrator-General of Madras in his representative character in respect of property belonging to a deceased British subject in the territories of Mysore may be brought by or against him by his name of office in the Courts of the said territories, and no suit or other proceeding heretofore or hereafterc ommenced by or against any person as the Administrator-General of Madras, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of the said Administrator-General, but the same may, by order of the said Courts and, upon such terms as to the service of notices or otherwise as the Courts may direct, be continued by or against his successor immediately upon his appointment in the same manner as if no such death, resignation or removal had occurred.

Administrator-General may sue and be sued in his representative character as such.

Provided that nothing hereinbefore contained shall render any such successor personally liable for any costs incurred prior to the order for containing the suit against him.

Proviso.

A Regulation to recognize the Indian Administrator-General's Act of 1874 as law in force in Mysore.

Creditor's suit against Administrator-General.

6. If any suit be brought in the Courts of the territories of Mysore by a creditor against the Administrator-General of Madras as in his representative character the plaintiff shall be liable to pay the costs of the suit down to and including the decree, unless upon proof by affidavit or otherwise that not less than one month previous to the institution of the suit he had applied in writing to the said Administrator-General, stating the amount and other particulars of the claim and supporting the same by such evidence as, under the circumstances of the case the Administrator-General was reasonably entitled to require, and that the Administrator-General had refused or neglected to register the claim according to the practice of his office.

If in any such suit judgment is pronounced in favor of the plaintiff, he shall, nevertheless, be only entitled to payment out of the assets of the deceased equally and rateably with other creditors."

Letter No. 4692, dated the 7th September 1908, from P. L. Moore, Esq., I. C. S First Assistant to the Hon'ble the Resident in Mysore to the Dewan of Mysore

Serial No. 13.

I am directed to refer to the correspondence ending with Mr. Balasundaram Iyer's letter No. 454, dated the 7th December 1907, on the subject of the legislation proposed for the recognition of the representative character of the Administrator-General of Madras in the Mysore Stat

2. The Government of India, to whom a reference was made on the subject, have accepted the proposal that the fees payable under Schedule I, Article II, appended to the Court Fees Act, 1870 (VII of 1870), in respect of grants of probate or letters of Administration to the Administrator-General, Madras, in the case of property belonging to deceased British subjects situated in the Mysore State should be made over to the Durbar; and the Durbar may now, therefore, proceed with the legislation contemplated by them on the basis of the draft regulation of which a copy is enclosed, and submit the same for the sanction of the Government of India after it has been passed by the Mysore Legislative Council.

3. Executive instructions will be issued to the Account Department for the refund of such fees from the British Treasury and for their subsequent payment to the Durbar. It is understood that the stamp duty which is transmitted to the Durbar under the above arrangements will be accepted in reduction of the fees to be levied by the Durbar as succession duty in each particular case.

ENCLOSURE TO THE ABOVE.

Draft of a Regulation to recognize the representative character of the Administrator-General of Madras.

Preamble.

"Whereas the provisions of the Administrator-General's Act, 1874 (II of 1874) of the Governor-General of India in Council apply as a personal law only to British subjects in the territories of Mysore and whereas it is expedient to make better provision for the recognition in the said territories of the representative title of the Administrator-General of Madras against all debtors of, and all persons holding property belonging to, deceased British subjects in the said territories; His Highness the Maharaja is pleased to enact as follows:—

Administrator-General competent to represent deceased British subjects and to have preferential right to letters of Administration.

1. The Administrator-General of the Presidency of Madras as defined in the Administrator-General's Act, 1874 (II of 1874) shall be competent to represent a deceased British subject leaving assets in the territories of Mysore and shall be deemed by all the Courts in the said territories to have a right to letters of Administration to such British subject in preference to that of any other person merely on the ground of his being a creditor, legatee other than a universal legatee or a friend of deceased.

A Regulation to recognize the Indian Administrator-General's Act of 1874 as law in force in Mysore.

2. Probate or letters of Administration granted by the High Court of Judicature at Madras to the Administrator-General of Madras shall have effect over all the property and estate, moveable or immovable, of a deceased British subject in the territories of Mysore and shall be conclusive as to the representative title of the said Administrator-General against all debtors of the deceased and all persons holding property therein which belongs to him, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such property to the said Administrator-General.

Effect of probate or letters of Administration granted to the Administrator-General by the High Court of Judicature, Madras.

3. So far as regards the Administrator-General of Madras, the High Court of Judicature at Madras shall be deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act, 1865 (X of 1865) as applied to the territories of Mysore by Foreign Department Notification No. 203, dated the 23rd July 1868.

High Court of Judicature at Madras deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act.

Note.
Page 54 of British Enactments in force in Native State.

4. Probate or letters of Administration granted by the High Court of Judicature at Madras to the Administrator-General of Madras shall be deemed to be probate or letters of Administration within the meaning of Section 4, Sub-Section (b), clause (i) of the Succession Certificate Regulation, VII of 1901.

Probate or letters of Administration granted by the High Court of Judicature at Madras deemed to be probate or letters within the meaning of the Succession Cirtificate Regulation.

Page 705 of the Mysore Code, Vol. I.

5. All suits and other proceedings commenced by or against the Administrator-General of Madras in his representative character in respect of property belonging to a deceased British subject in the territories of Mysore may be brought by or against him by his name of office in the Courts of the said territories, and no suit or other proceeding heretofore or hereafter commenced by or against any person as the Administrator-General of Madras, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of the said Administrator-General, but the same may, by order of the said Courts and upon such terms as to the service of notices or otherwise as the Courts may direct, be continued by or against his successor immediately upon his appointment in the same manner as if no such death, resignation or removal had occurred.

Administrator-General may sue and be sued in his representative character as such.

Provided that nothing hereinbefore contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the suit against him.

Proviso.

6. If any suit be brought in the Courts of the territories of Mysore by a creditor against the Administrator-General of Madras in his representative character, the plaintiff shall be liable to pay the costs of the suit down to and including the decree, unless upon proof by affidavit or otherwise that not less than one month previous to the institution of the suit he had applied in writing to the said Administrator-General, stating the amount and other particulars of the claim, and supporting the same by such evidence as, under the circumstances of the case, the Administrator-General was reasonably entitled to require, and that the Administrator-General had refused or neglected to register the claim according to the practice of his office.

Creditor's suit against Administrator-General.

A Regulation to recognize the Indian Administrator-General's Act of 1874 as law in force in Mysore.

If in any such suit judgment is pronounced in favour of the plaintiff, he shall, nevertheless, be only entitled to payment out of the assets of the deceased equally and rateably with other creditors."

Letter Pol. No. 832, dated 30th March 1910, from the Secretary to Government, General and Revenue Departments, to the First Assistant to the Hon'ble the Resident in Mysore.

Serial No. 14.

Adverting to the correspondence ending with your office letter No. 4692, dated the 7th September 1908, regarding the Bill to recognize the representative character of the Aministrator-General of Madras, I am directed to state as follows

2. Permission to introduce the Bill was obtained at the meeting of the Legislative Council held on the 16th December 1908 and it was placed before that body on the 2nd September 1909. The Bill having been referred by the Council to a Select Committee, the report of that Committee and the Bill as amended by it was considered by the Legislative Council at a meeting held on the 13th January 1910.

3. In order to make the meaning clearer, the Select Committee recommended that the 2nd sentence of clause I of the Bill might be detached and made into a separate clause, with a slight change in the wording as shown in the enclosed printed copy of the amended Bill. It will be seen that the alteration recommended by the Select Committee also provides for possible cases of conflict between probate and letters of Administration issued to the Administrator-General by the High Court of Madras and those granted by the Courts in Mysore. I am now to request that the sanction of the Government of India may be obtained for the Bill as amended by the Select Committee being passed into law

4. It is hoped that simultaneously with the communication of the sanction of the Government of India to the Bill in question, steps will be taken as promised in para 3 of the letter under advertance in the matter of the refund to the Durbar of the stamp fees in cases where probate or letters of Administration are granted to the Administrator-General by the High Court of Madras in respect of property situate in this State.

5. In view of this arrangement and to fully safeguard the interests of the Durbar in the stamp revenue due to it, I am directed to request you to be so good as to move the Hon'ble the Resident to kindly arrange with the Government of Madras for notices of all applications by the Administrator-General of Madras for probate or letters of Administration in respect of property situate in this State being sent to the Secretary to the Government of Mysore, General and Revenue Departments, to enable the Durbar to take action as contemplated in Section 19 H of the British Indian Court Fees Act (Section 24 of the Mysore Court Fees Regulation 1900). This special arrangement appears to be necessary as the section just referred to requires the High Court to issue a notice "only to the Chief Controlling Revenue authority for the local area in which the High Court is situated," *viz.*, the Government of Madras or the Board of Revenue, as the case may be.

A Bill to recognize the representative character of the Administrator-General of Madras (as amended by the Select Committee)

Preamble.

Whereas the provisions of the Administrator-General's Act, 1874 (II of 1874) of the Governor-General of India in Council apply as a personal law only to British subjects in the territories of Mysore and whereas it is expedient to make better provision for the recognition in the said territories of the representative title of the Administrator-General of Madras against all debtors of, and all persons holding property belonging to, deceased British subjects in the said territories; His Highness the Maharaja is pleased to enact as follows:—

A Regulation to recognize the Indian Administrator-General's Act of 1874 as law in force in Mysore.

1. The Administrator-General of the Presidency of Madras as defined in the Administrator-General's Act, 1874 (II of 1874) shall be competent to represent a deceased British subject leaving assets in the territories of Mysore.

Administrator-General competent to represent deceased British subjects *in Mysore.*

2. *Where probate or letters of Administration to any such deceased British subject have been duly granted to the Administrator-General of Madras, no person claiming mearly as a creditor, a legatee other than a universal legatee or a friend of the deceased shall be entitled to letters of Administration to the deceased, and letters of Administration, if any, already granted to any such person shall be liable to be recalled and revoked at the instance of the said Administrator-General.*

Probate or letters of Administration granted to Administrator-General to supersede the grant of letters of Administration to certain other persons.

3. Probate or letters of Administration granted by the High Court of Judicature at Madras to the Administrator-General of Madras shall have effect over all the property and estate, moveable or immoveable, of a deceased British subject in the territories of Mysore, and shall be conclusive as to the representative title of the said Administrator-General against all debtors of the deceased and all persons holding property therein which belongs to him, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such property to the said Administrator-General.

Effect of probate or letters of Administration granted to the Administrator-General by the High Court of Judicature, Madras.

4. So far as regards the Administrator-General of Madras, the High Court of Judicature at Madras shall be deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act, 1865 (X of 1865) as applied to the territories of Mysore by Foreign Department Notification No. 203, dated the 23rd July 1868.

High Court of Judicature at Madras deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act.

5. Probate or letters of Administration granted by the High Court of Judicature at Madras to the Administrator-General of Madras shall be deemed to be probate or letters of Administration within the meaning of Section 4, Sub-Section (*b*), clause (i), of the Succession Certificate Regulation, VII of 1901.

Probate or letters of Administration granted by the High Court of Judicature at Madras deemed to be probate or letters within the meaning of the Succession Certificate Regulation.

6. All suits and other proceedings commenced by or against the Administrator-General of Madras in his representative character in respect of property belonging to a deceased British subject in the territories of Mysore may be brought by or against him by his name of office in the Courts of the said territories, and no suit or other proceeding heretofore or hereafter commenced by or against any person as the Administrator-General of Madras, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of the said Administrator-General, but the same may, by order of the said Courts and upon such terms as to the service of notices or otherwise as the Courts may direct, be continued by or against his successor immediately upon his appointment in the same manner as if no such death, resignation or removal had occurred.

Administrator-General may sue and be sued in his representative character as such.

Provided that nothing hereinbefore contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the suit against him.

Proviso.

A Regulation to recognize the Indian Administrator-General's Act of 1874 as law in force in Mysore.

Creditor's suit against Administrator-General

7. If any suit be brought in the Courts of the territories of Mysore by a creditor against the Administrator-General of Madras in his representative character, the plaintiff shall be liable to pay the costs of the suit down to and including the decree, unless upon proof by affidavit or otherwise that not less than one month previous to the institution of the suit he had applied in writing to the said Administrator-General, stating the amount and other particulars of the claim and supporting the same by such evidence as, under the circumstances of the case, the Administrator-General was reasonably entitled to require, and that the Administrator-General had refused or neglected to register the claim according to the practice of his office.

If in any such suit judgment is pronounced in favor of the plaintiff, he shall, nevertheless, be only entitled to payment out of the assets of the deceased equally and rateably with other creditors.

Letter No. 3230, dated the 27th May 1910, from Major W. G. Grey, I. A., First Assistant to the Resident in Mysore, to the Dewan of Mysore.

Serial No. 15.

I am directed to refer to Mr. Balasundaram Iyer's letter No. 832—Pol., dated the 30th March 1910, forwarding the revised draft of a Regulation which the Durbar propose to pass on the subject of the recognition of the representative character of the Administrator-General of Madras in the Mysore State and in reply to state that the Draft Regulation has been approved by the Government of India.

2. With reference to para 4 of the Durbar's letter I am to state that the Government of India have issued the necessary instructions regarding the refund of the stamp fees in question and their subsequent payment to the Durbar, authorising the Accountant-General of Madras, to make the payments to the Mysore Government through the exchange account on the certificate of the Administrator-General of Madras.

3. As regards para 5 of the letter, I am to say that the Government of Madras have been addressed and that on receipt of their reply, a further communication will be made to the Durbar.

Letter No. 5661, dated 20th September 1910, from Major W. G. Grey, I. A., First Assistant to the Resident in Mysore, to the Dewan of Mysore.

Serial No. 16.

With reference to paragraph 3 of this office letter No. 3230, dated the 27th May 1910, regarding the transmission to the Secretary to the Government of Mysore, General and Revenue Departments, of notices of all applications made to the High Court of Madras by the Administrator-General for probate or letters of Administration in respect of property situated in the Mysore State, I am directed to forward herewith, for information, a copy of a letter No. 1670-1910, dated the 2nd September 1910, from the Registrar of the High Court addressed to the Chief Secretary to the Government of Madras on the subject.

ENCLOSURE.

Letter No. 1670—1910, dated the 2nd September 1910, from the Registrar of the High Court, Madras, to the Chief Secretary to the Government of Madras.

In reply to your letter No. 3301-1, Judicial, dated 7th June 1910, I am directed to state that orders will be issued for notice of all applications made to the High Court by the Administrator-General for probate or letters of Administration in respect of property situated in the Mysore State to be sent to the Secretary to the Government of Mysore, General and Revenue Departments, as requested by the Mysore Durbar.

Government Order:— No. J. 1718—Legis. 21-04-17, dated the 6th December 1910, to the Compiler Mysore Gazette.

Serial No. 17.

Ordered that the accompanying Regulation to recognize the representative character of the Administrator-General of Madras

which received the assent of His Highness the Maharaja on the first day of December 1910 be published for General information.

REGULATION No. IV OF 1910.

(Received the assent of His Highness the Maharaja on the first day of December 1910.)

A REGULATION TO RECOGNIZE THE REPRESENTATIVE CHARACTER OF THE ADMINISTRATOR-GENERAL OF MADRAS.

Preamble.

Whereas the provisions of the Administrator-General's Act, 1874 (II of 1874) of the Governor-General of India in Council apply as a personal law only to British subjects in the territories of Mysore and whereas it is expedient to make better provision for the recognition in the said territories of the representative title of the Administrator-General of Madras against all debtors of, and all persons holding property belonging to, deceased British subjects in the said territories; His Highness the Maharaja is pleased to enact as follows:—

Adminstriator-General competent to represent deceased British subjects in Mysore.

1. The Administrator-General of the Presidency of Madras as defined in the Administrator-General's Act, 1874 (II of 1874) shall be competent to represent a deceased British subject leaving assets in the territories of Mysore.

Probate or letters of Administration granted to Administrator-General to supersede the grant of letters of Administration to certain other persons.

2. Where probate or letters of Administration to any such deceased British subject have been duly granted to the Administrator-General of Madras, no person claiming merely as a creditor, a legatee other than a universal legatee or a friend of the deceased shall be entitled to letters of Administration to the deceased, and letters of Administration, if any, already granted to any such person shall be liable to be recalled and revoked at the instance of the said Administrator-General.

Effect of probate or letters of Administration granted to the Administrator-General by the High Court of Judicature, Madras.

3. Probate or letters of Administration granted by the High Court of Judicature at Madras to the Administrator-General of Madras shall have effect over all the property and estate, movable or immovable, of a deceased British subject in the territories of Mysore, and shall be conclusive as to the representative title of the said Administrator-General against all debtors of the deceased and all persons holding property therein which belongs to him, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such property to the said Administrator-General.

High Court of Judicature at Madras deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act.

4. So for as regards the Administrator-General of Madras, the High Court of Judicature at Madras shall be deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act, 1865 (X of 1865) as applied to the territories of Mysore by Foreign Department Notification No. 203, dated the 23rd July 1868.

Probate or letters of Administration granted by the High Court of Judicature at Madras deemed to be probate or letters within the meaning of the Succession Certificate Regulation.

5. Probate or letters of Administration granted by the High Court of Judicature at Madras to the Aministrator-General of Madras shall be deemed to be probate or letters of Administration within the meaning of Section 4, Sub-Section (b), clause (i), of the Succession Certificate Regulation, VII of 1901.

Administrator-General may sue and be sued in his representative character as such.

6. All suits and other proceedings commenced by or against the Administrator-General of Madras in his representative character in respect of property belonging to a deceased British subject in the territories of Mysore may be brought by or against him by his name of office in the Courts

Regulation to recognize the Indian Administrator-General's Act of 1874 as law in force in Mysore.

of the said territories, and no suit or other proceeding heretofore or hereafter commenced by or against any person as the Administrator-General of Madras, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of the said Administrator-General, but the same may by order of the said Courts and upon such terms as to the service of notices or otherwise as the Courts may direct, be continued by or against his successor immediately upon his appointment in the same manner as if no such death, resignation or removal had occured.

Proviso.

Provided that nothing hereinbefore contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the suit against him.

Crediter's suit against Administrator-General.

7. If any suit be brought in the Courts of the territories of Mysore by a creditor against the Administrator-General of Madras in his representative character, the plaintiff shall be liable to pay the costs of the suit down to and including the decree, unless upon proof by affidavit or otherwise that not less than one month previous to the institution of the suit he had applied in writing to the said Administrator-General, stating the amount and other particulars of the claim and supporting the same by such evidence as, under the circumstances of the case, the Administrator-General was reasonably entitled to require, and that the Administrator-General had refused or neglected to register the claim according to the practice of his office.

If in any such suit judgment is pronounced in favor of the plaintiff, he shall, nevertheless, be only entitled to payment out of the assets of the deceased equally and rateably with other creditors.

T. ANANDA ROW,
Dewan.

Letter Pol. No. 573, dated 16th December 1910, from the Secretary to Government, General and Revenue Departments, to the First Assistant Resident in Mysore, Bangalore.

Serial No. 18.

I am directed to forward copy of Regulation IV of 1910, a Regulation to recognize the representative character of the Administrator-General of Madras, together with 9 spare copies, and to request that a copy thereof may be kindly forwarded to His Highness the Nizam's Government.

Letter No. 7821, dated the 22nd December 1910, from Mr. P. B. Warburton, I. C. S., First Assistant to the Resident in Mysore, to the Dewan of Mysore

Serial No. 19.

I am directed to acknowledge, with thanks, the receipt of 9 copies of Regulation No. IV of 1910, forwarded with Mr. Balasundaram Iyer's letter No. 573—Pol., dated the 16th December 1910.

2. A copy has, as requested, been duly forwarded for His Highness the Nizam's Government

No. J. 2550-9—LEGIS. 21-04, DATED 6TH MARCH 1911.

Serial No. 20.

ORDER.—In connection with Regulation No. IV of 1910, a Regulation to recognize the representative character of the Administrator General of Madras in respect of properties of deceased British subjects in the Mysore State, the Government of India have issued necessary instructions to refund to the State, when applications for probate or letters of Administration have been made by the Administrator-General to the High Court of Madras, the value of the Court fees that would be due in each case and have authorized the Accountant-General of Madras to make payments through the Exchange Account on the certificate of the Administrator-General. The Madras High Court have also agreed to notices being sent to the Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Departments, of all applications made to the said High Court

by the Administrator-General for probates or letters of Administration in respect of properties belonging to deceased British subjects in the Mysore State. These notices will be sent to the Deputy Commissioners of the Districts concerned who are requested to satisfy themselves whether the value of the property in respect of which application has been made has been correctly estimated and if there is reason to believe that the property has been under-valued a report should be made to Government in this behalf. They should also bring to the notice of Government cases in which the Administrator-General makes application for the administration of properties of deceased British subjects in their districts for which notices as referred to above have not been received by them through this office.

The Comptroller is requested to arrange for the amount refunded by the Accountant-General from time to time being credited to the Accounts under the proper head.

C. S. BALASUNDARAM IYER,
Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioners of Districts.
The Comptroller, Mysore Government.
The Registrar, Chief Court.